

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC. ,

Defendants.

CASE NO. 1:17-cv-02635-CAB

**DECLARATION OF CHRIS ILARDI IN SUPPORT OF DEFENDANTS TAKE-TWO
INTERACTIVE SOFTWARE, INC. AND 2K GAMES, INC.'S MOTION TO
EXCLUDE TESTIMONY, ARGUMENT OR EVIDENCE REGARDING THE EXPERT
REPORTS AND OPINIONS OF MICHAL A. MALKIEWICZ**

I, Chris Ilardi, declare as follows:

1. I am a Partner at the law firm of Kirkland & Ellis LLP. I submit this declaration in support of Defendants Take-Two Interactive Software, Inc. and 2K Games, Inc.'s (together, "Take-Two") motion to exclude testimony, argument or evidence regarding Michal A. Malkiewicz's expert reports and opinions.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the deposition transcript of Michal A. Malkiewicz, dated August 19, 2021.

3. Attached hereto as Exhibit B is a true and correct copy of the Expert Report of Michal A. Malkiewicz, dated May 27, 2021.

4. Attached hereto as Exhibit C is a true and correct copy of the Expert Report of James E. Malackowski, dated May 27, 2021.

5. Attached hereto as Exhibit D is a true and correct copy of the Rebuttal Expert Report of Michal A. Malkiewicz, dated July 1, 2021.

6. Attached hereto as Exhibit E is a true and correct copy of the Expert Report and Declaration of Ian Bogost, Ph.D., dated May 27, 2021.

7. Attached hereto as Exhibit F is a true and correct copy of the Supplemental Expert Report of James E. Malackowski, dated August 16, 2021.

8. Attached hereto as Exhibit G is a true and correct copy of excerpts from the deposition transcript of H. Tolga Bilgicer, Ph.D., dated August 10, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of October, 2021.

/s/ Chris Ilardi
Chris Ilardi